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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-sixth session
Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

GE.94-14313 (E)

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

1. The Sub-Commission considered agenda item 3 at its 22nd, 26th and 36th meetings, on 17, 19 and 26 August 1994.

2. At the 22nd meeting, on 17 August 1994, the Chairman of the Commission on Human Rights at its fiftieth session, Mr. Peter van Wulfften Palthe, addressed the Sub-Commission.

3. At the 26th meeting, on 19 August 1994, Mrs. Warzazi, Chairperson-Rapporteur of the sessional Working Group on Methods of Work of the Sub-Commission, presented the report of the Working Group (E/CN.4/Sub.2/1994/3).

4. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (22nd), Mr. Bossuyt (36th), Ms. Chavez (26th, 36th), Mr. Chernichenko (26th), Mrs. Daes (22nd), Mrs. Forero Ucros (26th), Ms. Gwanmesia (22nd, 26th), Mr. Lindgren Alves (26th), Mr. Maxim (26th), Ms. Palley (22nd, 26th), Mrs. Warzazi (26th), Mr. Yimer (22nd, 26th) and Mr. Zhong (22nd, 26th).

5. A statement was made by the observer for the Ukraine (26th).

6. The Sub-Commission also heard a joint statement made by Amnesty International on behalf 27 non-governmental organizations (26th).

Strengthening of the Centre for Human Rights

7. At the 37th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.30/Rev.1, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer. Mr. Eide, Mrs. Gwanmesia and Mr. Khalil subsequently joined as sponsors.

1/ The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

8. The draft resolution was adopted without a vote.

9. For the text as adopted see chapter II, section A, resolution 1994/32.

Sessional Working Group on Methods of Work of the Sub-Commission

10. At the 36th meeting, on 26 August 1994, Mr. Lindgren Alves orally proposed a draft decision concerning the sessional Working Group on Methods of Work of the Sub-Commission, the edited version of which read as follows:

"At its ..th meeting, on .. August 1994, the Sub-Commission decided, without a vote:

(a) To adopt the report of its sessional Working Group on the Methods of Work of the Sub-Commission, established pursuant to Sub-Commission resolution 1993/4 (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to:

(b) That, at its forty-seventh session, on an experimental basis, item 6 will be considered as soon as the agenda is approved, to be followed immediately by agenda item 9, if the necessary documentation is available;

(c) To reconvene the sessional Working Group on the Methods of Work of the Sub-Commission to examine the advisability of adopting the practice suggested in subparagraph (b) for future sessions of the Sub-Commission."

11. At the same meeting, statements with regard to the proposal made by Mr. Lindgren Alves were made by Mr. Bossuyt, Ms. Chavez, Mr. Eide, Mr. Lindgren Alves and Ms. Palley.

12. The Sub-Commission subsequently decided to postpone consideration of the draft decision.

13. At its 37th meeting, on 26 August 1994, the Sub-Commission resumed consideration of the draft decision.

14. Statements in connection with the draft decision were made by Ms. Chavez, Mr. Decaux, Mr. Fan, Ms. Ferriol Echevarría, Mr. Fix Zamudio, Mr. Ibarra, Mr. Khan and Mr. Lindgren Alves.

15. At the same meeting, Mr. Lindgren Alves orally revised the draft decision by deleting, in subparagraph (b), the text beginning with the words "to be followed immediately" until the end of the subparagraph.

16. At the request of Mr. Bossuyt, a vote was taken on the draft decision.

17. The draft decision, as revised, was adopted by 14 votes to 5, with 1 abstention.

8. For the text of the decision, see chapter II, decision 1994/117.

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COMMISSION ON HUMAN RIGHTS
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V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

1. The Sub-Commission considered item 4 at its 23rd, 24th, 25th and 36th meetings, on 17, 18 and 26 August 1994.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1994/4);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1994/5);

Report submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/Sub.2/1994/6);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/29 (E/CN.4/Sub.2/1994/7 and Add.1);

Report of the Secretary-General on developments in the United Nations system concerning HIV and AIDS, prepared pursuant to Sub-Commission resolution 1993/31 (E/CN.4/Sub.2/1994/8);

Final report prepared by Mrs. Fatma Zohra Ksentini, Special Rapporteur appointed pursuant to Sub-Commission resolution 1989/108 (E/CN.4/Sub.2/1994/9);

Report of the second United Nations Regional Seminar on Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10 and Corr.1);

Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1);

Preliminary report on opposition to the impunity of perpetrators of human rights violations (economic, social and cultural rights), prepared by Mr. Guissé and Mr. Joinet, pursuant to Sub-Commission resolution 1993/37 (E/CN.4/Sub.2/1994/11);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1994/NGO/4);

Written statement submitted by the Sierra Club Legal Defense Fund, Inc., a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/24).

3. At the 23rd meeting, on 17 August 1994, Mrs. Fatma Zohra Ksentini introduced her final report (E/CN.4/Sub.2/1994/9).

4. At the same meeting, Mr. Joinet introduced the preliminary report prepared by Mr. Guissé and himself (E/CN.4/Sub.2/1994/11).

5. A statement relating to the same preliminary report was made by Mr. Guissé at the 24th meeting, on 18 August 1994.

6. At the 24th meeting, on 18 August 1994, Mrs. Warzazi introduced the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1).

7. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (24th), Ms. Daes (24th), Mrs. Forero Ucros (24th), Mrs. Gwanmesia (25th), Mr. Ibarra (24th), Mr. Lindgren Alves (24th) and Mr. Yimer (24th).

8. At the 23rd meeting, on 17 August 1994, the observer for World Health Organization made a statement.

9. Statements were also made by the observers for India (25th) and Japan (25th).

10. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (25th), American Association of Jurists (24th), Consultative Council of Jewish Organizations (24th), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (25th), International Alliance of Women - Equal Rights, Equal Responsibilities (25th), International Association against Torture (24th), International Association of Educators for World Peace (24th), International Educational Development, Inc. (24th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (25th), International Federation Terre des Hommes (24th), International Fellowship of Reconciliation (24th), International Human Rights Association of American Minorities (24th), International League for the Rights and Liberation of Peoples (24th), International Lesbian and Gay Association (25th), International Work Group for Indigenous Affairs (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (on behalf of Andean Commission of Jurists, International Commission of Jurists, Service, Peace and Justice in Latin America and Women's International League for Peace and Freedom)(25th), Sierra Club Legal Defense Fund, Inc. (on behalf of Centre Europe-Tiers Monde, Defence for Children International, Disabled Peoples' International, Friends of the Earth International, Grand Council of the Crees,

Habitat International Coalition, Human Rights Advocates, International Educational Development, Inc., International Federation of Human Rights, International Indian Treaty Council, International Islamic Federation of Student Organisations, International League for the Rights and Liberation of Peoples, International Movement for Fraternal Union Among Races and Peoples, Pax Christi International, World Association for tne School as an Instrument of Peace, World Federation of Trade Unions, World Muslim Congress and World University Service)(25th) and World Federalist Movement (25th).

Minimum humanitarian standards

11. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.22, sponsored by Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Eide, Mr. Hatano, Mr. Joinet, Ms. Palley and Mr. Yimer.

12. A statement in connection with the draft resolution was made by Mr. Fan.

13. The draft resolution was adopted without a vote.

14. For the text as adopted see chapter II, section A, resolution 1994/26.

Human rights and the environment

15. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.24, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

16. Statements in connection with the draft resolution were made by Mr. Bossuyt, Ms. Chavez, Mr. Fan and Mr. Lindgren Alves.

17. The draft resolution was adopted without a vote.

18. For the text as adopted see chapter II, section A, resolution 1994/27.

Recognition of gross and large-scale violations of human rights as an international crime

19. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.33, sponsored by Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer.

20. Mr. Decaux proposed to amend operative paragraph 3 by adding, at the end of the paragraph, the words "as well as relevant work of the International Law Commission;".

21. Statements in connection with the draft resolution and proposed amendment were made by Mrs. Daes, Mr. Fan and Ms. Palley.

22. The amendment was accepted by the sponsors.

23. The draft resolution, as amended, was adopted without a vote.

24. For the text as adopted see chapter II, section A, resolution 1994/28.

Discrimination in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

25. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.42, sponsored by Mr. Decaux, Mr. El-Hajjé, Mrs. Forero Ucros, Mr. Hatano and Mr. Hakim.

26. The draft resolution was adopted without a vote.

27. For the text as adopted see chapter II, section A, resolution 1994/29.

Obstacles to the establishment of a democratic society

28. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.43, sponsored by Mr. Bengoa, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. El-Hajjé, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley and Mr. Ramadhane, which read as follows:

"The Sub-Commission on Prevention of Discrimination and protection of Minorities,

Bearing in mind the fulfilment of its mandate, as defined by the various resolutions of the Economic and Social Council and the Commission on Human Rights,

Pursuing the objectives laid down in the Charter of the United Nations in regard to the establishment of conditions for the maintenance of justice and the equal rights of men and women and promotion of social progress and better standards of life in larger freedom,

Taking into consideration article 29, paragraph 2, of the Universal Declaration of Human Rights,

Bearing in mind that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights affirms that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing (A/CONF.157/24, para. I.8),

Fully aware that the establishment of the conditions for a democratic society is essential for prevention of discrimination and protection of minorities,

1. Decides to include in the agenda of its forty-seventh session an item entitled 'Study of the elimination of obstacles to the establishment of a democratic society and conditions for the maintenance of such a society';

2. Entrusts the Chairman of the Sub-Commission with the task of requesting one of its members to prepare a working paper on that question for its forty-seventh session."

29. Ms. Warzazi proposed to amend the draft resolution by deleting operative paragraph 2. The amendment was not accepted by the sponsors.

30. Mr. Decaux proposed to postpone the consideration of the draft resolution until the next session.

31. Statements in connection with the draft resolution, proposed amendment and proposal to postpone, were made by Mr. Decaux, Mr. El-Hajjé, Ms. Palley, Ms. Warzazi and Mr. Yimer.

32. The Sub-Commission subsequently decided, without a vote, to postpone consideration of draft resolution E/CN.4/Sub.2/1994/L.43 until its forty-seventh session.

33. For the text of the decision, see chapter II, section B, decision 1994/114.

Traditional practices affecting the health of women and children

34. At the 36th meeting, on 26 August 1994, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1994/L.51, sponsored by Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Decaux, Mr. Fan, Mr. Fix Zamudio, Mrs. Forero Ucros, Mrs. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Khan, Mr. Lindgren Alves, Mr. Maxim, Ms. Palley, Mr. Ramadhane and Mr. Yimer. Ms. Chavez subsequently joined the sponsors.

35. The draft resolution was adopted without a vote.

36. For the text as adopted see chapter II, section A, resolution 1994/30.

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